



Public Hearing Town Council Meeting
Monday, December 4th, 2017 at 7:00 p.m.
Council Chambers – Town Hall

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A Public Hearing of Truro Town Council was held on Monday, December 4th, 2017 at 7:00 p.m. in the Council Chambers of the Truro Town Hall.

Present: Mayor W.R. (Bill) Mills, Deputy Mayor C. Fritz, Councillors D. Joseph, B. Kinsman, T. Chisholm, W. Talbot and C. Hinton

In Attendance: Director of Planning J. Fox, Director of Public Works A. MacKinnon, Deputy Town Solicitor C. Thompson and CAO M. Dolter

Public Hearing – 118 Lyman Street, Development Agreement Application

The CAO advised based on the recommendation from the Town Planning Advisory Committee, a public hearing date was set for today for Council to consider a Development Agreement Application for the development of six, 10-unit, 1 to 2 storey multiple unit residential buildings on lands to the rear of 118 Lyman Street.

The CAO also advised that a letter was received from David Hubley requesting to address Council regarding the proposed development agreement. He also noted that a letter had been received from Linda Stanley expressing some of her concerns about the development and he read that letter into the record.

The Director of Planning reviewed the Staff Report with Council and advised that he was recommending that Council approve the Development Agreement.

Jack Innis, the lawyer for the developer spoke to Council. He noted from the Staff Report that there was comment that perhaps the development did not quite meet the requirements of Policy R38, subparagraph G. He stated that the policy statement says that the proposal contribute to a mixture of dwelling types in the neighbourhood as a whole; it does not say that the mixture of dwelling types has to be within the development itself. Mr. Innis stated that the test is, does the development contribute to the mixture of dwelling types in the neighbourhood. The comment by the Director of Planning within the report states that the proposal will add to the existing mix of dwelling types in the surrounding area. Mr. Innis stated that the Staff Report predicts that due to the lack of mixture and the modest/affordable rent for these apartments, that the development runs the risk of only attracting tenants from one social economic class. He noted that earlier in the report, it is noted that the development will create 60 dwelling units well suited to empty nesters and seniors looking to downsize.

Blair Wallace, the developer, stated that he has owned this property for a long time and he loves that there is such a large piece of land close to the downtown core, with mature trees, and walking distance to so many amenities and Victoria Park. He noted that after his original proposal, he took the information from the Town and the Utility and Review Board and tried to create a proposal now that would utilize the property efficiently for residents to take advantage of all the nearby amenities.

Councillor C. Hinton expressed concern for residents in the area now who would be dealing with construction and noise. She knew of people who had purchased homes or land recently in that area and now they do not want to live there because of this proposed development.

Councillor B. Kinsman noted that increased traffic is a concern of residents. He stated that the Staff Report touched on a traffic report that was completed for this proposal, and that it indicated there were no significant problems that would be generated by traffic from this development. Councillor B. Kinsman asked the Traffic Authority to outline the expected volumes of traffic that the traffic report estimates and what that might mean for the immediate neighbourhood, and the surrounding streets.

The Director of Public Works advised that the Traffic Report indicates that the morning peak would be 10 vehicles per hour into the site, 30 vehicles out of the site, for a total of 40 vehicles. The afternoon peak would be 33 vehicles into the site, and 14 leaving, for a total of 47 vehicles. He believed that the impact on the surrounding road network would be minimal.

Councillor D. Joseph Danny expressed concern that the Staff Report indicates there is little risk that this development will change the character of the neighbourhood while he believes that it will impact the neighbourhood substantially simply because it exists.

Mr. Wallace stated that is his hope for the buildings that there is a mixture of people. He noted that some might be concerned with the possibility of “affordable” housing. Mr. Wallace stated that with the cost of construction, street construction, and other costs, the situation will not lend itself to being able to provide low rent amounts.

The Mayor asked about the buffer around the development.

Mr. Wallace stated that for the most part, the trees currently on the property will remain around property, about 30 feet to the property line. He was very attracted to the amount of trees on the property when he purchased it, and will take every step possible to retain as many trees as possible.

Deputy Mayor C. Fritz stated that she appreciated the new design over the last one that was presented to Council a few years ago. She noted that with the second exit/entrance, her concerns over emergency vehicles being able to access the location were satisfied. Deputy Mayor C. Fritz noted that the buffer of trees and the landscaping plan seem to provide for privacy concerns of the houses most affected by this development. She stated that while some people may be concerned over the “motel” like design, there is a similar new development on Alice Street and it has improved the neighbourhood.

Councillor T. Chisholm thanked the developer for adding the second access to the property, and appreciated that a buffer would remain and fencing would be added for extra privacy. He emphasized the need to keep as many trees on the property as possible. Councillor T. Chisholm asked if all six units would be constructed at the same time.

Mr. Wallace stated that ideally the construction would be based on absorption and likely two buildings at a time would be constructed.

David Hubley of Burnyeat Street addressed Council. He stated that while he and his wife were not opposed to the development, they had safety concerns regarding the lack of sidewalks in the area. He noted that some of those streets are very steep, and that was dangerous in the winter for anyone walking because of ice and snow, and the snowbanks. Mr. Hubley also expressed concern over the lack of street lights on Burnyeat.

Greg MacArthur of Burnyeat Street addressed Council. He noted that after Mr. Wallace’s last proposal was rejected, Mr. Wallace has since made changes to the proposal as requested by Council and residents. Mr. MacArthur believed that the proposal met all of the Town’s requirements.

Robert France of Burnyeat Street asked what the baseline was currently for the traffic flow, and what the proportional increase is with this proposed development.

The Director of Public Works stated that the peak flow is doubling the regular flow, and regular flow in the traffic report was an estimate.

Mr. France noted that this parcel of land is unique as it is bounded on all four sides by residential zones one and two, and asked if there were any similar parcels like this within the Town.

The Director of Planning advised that this parcel of land is one of the larger parcels zoned as an R3 that is surrounded by R1 and R2 development, but there are other examples throughout Town where R3 abuts with R1 and R2.

Raymond Tynes stated that he was on Council when the first proposal came through for this property and he was opposed to it due to the size and height. He advised that this new proposal meets all of the requirements of the Town. He expressed concern that the development would be done in stages, and that the developer would come back to Council when the Development Agreement expired and need an extension in order to finish the project.

The Director of Planning advised that there are timing terms in the agreement, but as for constructing the buildings all that the same time, that has not been discussed in detail with the developer. The Development Agreement states that the development will be substantially completed within 5 years.

Mr. Wallace noted that the Development Agreement requires him to apply for permits from the Planning Department within a year. He stated that the cul de sac will be one of the first components completed and in order for him to pay for the construction of the street, he will need to construct the buildings.

Councillor W. Talbot noted that a concern from Council and residents was that all of the buildings looked the same, and he asked if Mr. Wallace would consider other design options regarding the exterior to give some diversity to look of the buildings.

Mr. Wallace stated that there is the possibility to explore different colours for the exterior and he would do whatever he could to make the buildings look as attractive as possible.

David Akerman of Lyman Street expressed concern regarding traffic issues. He noted that with the steep grades of some of the streets, it is difficult to exit a driveway if vehicles are fast approaching. He requested that the Town consider installing a stop sign on Lyman Street, coming down the hill to slow the traffic.

The Director of Public Works noted that the traffic impact study did measure the safe stopping distance and sight lines for the entrance/exit on Lyman Street and there was no issue.

Matt Bailey, a new homeowner on Burnyeat Street addressed Council. He stated that he and his fiancé searched for a home for almost two years before purchasing their home two months ago on Burnyeat Street. They wanted a quiet area, close to downtown, but family oriented where they could raise children some day. Mr. Bailey stated that if they had known about this development, they would likely not have purchased the home on Burnyeat Street. He noted that he understands a development will happen in that large parcel of land, but he believed this proposal would be a cookie cutter cash cow for the developer. Mr. Bailey expressed concern over the lack of sidewalks on Burnyeat, and the lack of street lights. He asked Council what part of their decision is weighted on the response received from the neighbouring public.

The Mayor stated that most of Council's decision is based on the Municipal Planning Strategy and the Land Use Bylaw, and if Council does not approve an application, the developer can appeal the decision to the Utility and Review Board who only look at the facts, not the public's input.

Don Reid of Burnyeat Street stated that he believed approving this development would be short-sighted of Council. He stated that this land is a beautiful piece of property that could be developed with high end residential development, single family homes, duplexes and high end development is what the east end needs.

Kate MacLean of Lyman/Adam street addressed Council and expressed concern that the Staff Report states that there is a good chance that this development will lower the quality of the neighbourhood and the prices in the area. She stated she was also a new homeowner and might not have purchased her home if she knew this development was being proposed.

Another resident of Lyman Street stated that compared to the last proposal, a lot of progress has been made with this new proposal, but she also expressed concern about traffic.

Ruth Colburne of Lyman Street stated that as a longterm resident of Lyman Street, she was disappointed with this development. She noted that it would increase the population density and would change the character of the neighbourhood. She expressed concern with regards to traffic and the steepness of the hill, and residents trying to exit their driveways. Ms. Colburne also noted that in the winter, a lot of vehicles cannot make it up the hill and have to back down and try again and this creates a dangerous situation.

Lynn Moyles of Burnyeat Street echoed the concerns of Ms. Colburne. She also expressed concern with regards to lighting, and wanted there to be an assurance that the lighting for the development would not be so bright that it lights up the whole neighbourhood. She requested that the lighting for the parking lots be pointed downward. Ms. Moyles expressed concern over the large amount of paving, along with the buildings, and how that would affect the absorption of water from rain and snow.

The Mayor noted that there was a storm water management plan for the development that included catch basins and a retention pond.

The Director of Planning advised that the Development Agreement contains a clause regarding lighting on the property and the requirement will be for all fixtures to be a full cut off fixture.

The CAO advised that with regards to the lack of street lights on Burnyeat, he would have a conversation with the Director of Planning and determine if a discussion with Nova Scotia Power is required.

Robert France again addressed Council. He noted that while this development was an improvement over the last proposal, and that should be credited, he believed that the current proposal lacks imagination and innovation. Mr. France stated that he would like some assurances that there would be more creativity and diversity for the exteriors of the building besides different coloured siding and window boxes.

Adjournment

There being no further questions, the Public Hearing was adjourned at approximately 8:50 p.m.

W. R. (Bill) Mills
Mayor

M.W. Dolter
CAO